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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,997	07/12/2001	Edwin I. Bernard	LIT3-B045	2238

7590

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EXAMINER

ZEADE, BERTRAND

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/903,997

Applicant(s)

BERNARD, EDWIN I.

Examiner

Bertrand Zeade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 U.S.C. § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lippman et al. (U.S.5,695,269) in view of Abileah (U.S.6,111,622).

Lippmann ('269) discloses a multi-color display lighting by LED having:

Regarding claim 1, an array of LEDs (28) disposed alongside the LCD (10) for providing illumination thereof; light pipes (22) for transmitting light from the array of LEDs (28) across a plane parallel with the LCD (10); and a filter (20) disposed between the array and the light pipe (18) for filtering out light from the LEDs (28).

Regarding claim 2, the array of LEDs (28) includes LED (col. 1, lines 43-67).

Regarding claim 3, the array of LEDs (28) includes only blue light (col. 1, lines 43-67).

Regarding claim 4, the array of LEDs (28) includes only green light (col. 1, lines 43-67).

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Regarding claim 5, a pair of LED arrays (28) disposed on two sides of the light pipes (22) with a filter (20) disposed between each LED (28) array and the light pipes (22), each filter (20) for filtering out light from each LED (28).

Regarding claim 7, a pair of LED arrays (28) disposed alongside the LCD (10) for providing illumination thereof; light pipe (22) for transmitting light from the array of LEDs (28) across a plane parallel with the LCD (10); and a filter (20) disposed between the array (28) and the light pipe (22) for filtering out light from the LEDs (28).

Regarding claim 8, the array of LEDs (28) includes only red light (col. 1, lines 43-67).

Regarding claim 9, the array of LEDs includes only blue light (col. 1, lines 43-67).

Regarding claim 10, the array of LEDs includes only green light (col. 1, lines 43-67).

Regarding claim 11, activating an array of LEDs (28) of first color adjacent light pipe (22) disposed alongside the LCD (10); and filtering light emitted by the array of LEDs (28)

Regarding claim 15, activating an array of LEDs of first color adjacent light pipe (22) disposed alongside the LCD (10); and filtering light emitted by the array of LEDs (28); and switching colors of the LEDs as required by the pilot of the aircraft.

Regarding claim 19, an array of LEDs (28) disposed alongside a plane perpendicular to the LCD for providing illumination thereof, the array including a plurality of different color LED for emitting light of more than one color (col. 1, lines 43-60), the LEDs of each color being addressable together as a color group, (fig.1), the light pipes (22) for transmitting light from the

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light illuminating the LCD (10); and a switching for selectively powering each color groups may be selectively powered.

Claim 19 cites in lines 9 after the term---light that is---"adapted to". It has been held that the recitation that an element is "capable of" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Therefore, lines 9-11 do not constitute a limitation in any patentable sense.

Regarding claim 20, a method of multi-color illumination for a LCD, comprising the steps of: selectively activating one or more color groups from an array of LEDs (28), the array including a plurality of different color LEDs (28) for emitting light of more than one color, the LEDs (28) of each color being individually addressable together as a color group.

Claim 20 recites in lines 9 after the term---light that is---"adapted to". It has been held that the recitation that an element is "capable of" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Therefore, lines 9-14 do not constitute a limitation in any patentable sense.

Lippman ('269) does not disclose an infra-red.

Abileah ('622) discloses a day/night backlight for a LCD having:

Regarding claims 1,7,11,15, the filtering infrared light emitted from or by LEDs (see figs. 3-10).

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Regarding claim 6, a pair of infra-red filters (IRF) disposed between each of the array of LEDs and the light pipes (see fig. 5).

Regarding claim 12, the first color is red (see claim 4).

Regarding claim 13, the first color is green (col.10, lines 42-48).

Regarding claim 14, the first color is blue (col.10, lines 42-48).

Regarding claim 16, the step of switching colors further includes switching on only those LEDs red (see claim 4).

Regarding claim 17, the step of switching colors further includes switching on only those LEDs blue light (col.10, lines 42-58).

Regarding claim 18, the step of switching colors further includes switching on only those LEDs green light (col.10, lines 42-58).

It would have been obvious to one of ordinary skill in the art at the time invention was made to utilize the multi-color display lighting by LED of Lippman ('269) with the infra-red disclosed by Abileah for benefit and advantage to provide an infra-red light absorbing filter including in the LCD stack, the infra-red light absorbing filter is repositioned within the LCD stack between the light source, having the advantage of preventing all infra-red light from being emitted from the display in nighttime operation while transmitting the maximum amount of light during the daytime operation.

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
5. Shaw et al. (U.S. 6,419,372) discloses a compact optical wave-guide system for LED backlighting LCD display having day mode LEDs.
6. Okuda et al. (U.S. 6,144,424) discloses a backlighting device having LEDs.
7. Pelka (U.S. 6,007,209) discloses light source for backlighting with series of LEDs.
8. Mori (U.S. 6,288,700) discloses L.E. flat panel device which uses light guide routes to directly send light into a matrix of electronic shutters.

***Contact Information***

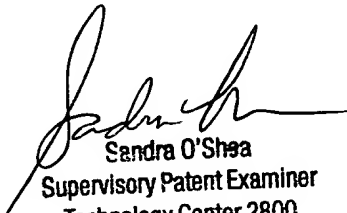
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 703-308-6084. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Examiner: Bertrand Zeade

July 25, 2003.

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800